

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

TAMARA M. SIMON, M.D.Holder of License No. 38229
For the Practice of Medicine
In the State of Arizona.

Case No. MD-08-1513A

**CONSENT AGREEMENT FOR
SURRENDER OF LICENSE****CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Tamara M. Simon, M.D. ("Respondent"), the parties agree to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that she has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

1 5. This Consent Agreement does not constitute a dismissal or resolution of other
2 matters currently pending before the Board, if any, and does not constitute any waiver,
3 express or implied, of the Board's statutory authority or jurisdiction regarding any other
4 pending or future investigation, action or proceeding. The acceptance of this Consent
5 Agreement does not preclude any other agency, subdivision or officer of this State from
6 instituting other civil or criminal proceedings with respect to the conduct that is the subject
7 of this Consent Agreement.

8 6. All admissions made by Respondent are solely for final disposition of this
9 matter and any subsequent related administrative proceedings or civil litigation involving
10 the Board and Respondent. Therefore, said admissions by Respondent are not intended
11 or made for any other use, such as in the context of another state or federal government
12 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
13 any other state or federal court.

14 7. Upon signing this agreement, and returning this document (or a copy thereof) to
15 the Board's Executive Director, Respondent may not revoke the acceptance of the
16 Consent Agreement. Respondent may not make any modifications to the document. Any
17 modifications to this original document are ineffective and void unless mutually approved
18 by the parties.

19 8. If the Board does not adopt this Consent Agreement, Respondent will not
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes
21 bias, prejudice, prejudgment or other similar defense.

22 9. This Consent Agreement, once approved and signed, is a public record that will
23 be publicly disseminated as a formal action of the Board and will be reported to the
24 National Practitioner Data Bank and to the Arizona Medical Board's website.

25

1 10. If any part of the Consent Agreement is later declared void or otherwise
2 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
3 force and effect.

4 11. Any violation of this Consent Agreement constitutes unprofessional conduct
5 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order,
6 probation, consent agreement or stipulation issued or entered into by the board or its
7 executive director under this chapter") and 32-1451.

8
9 Tamara M Simon Dated: 4/7/09
10 TAMARA M. SIMON, M.D.

FINDINGS OF FACT

1
2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 38229 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-08-1513A after receiving Respondent's
7 biennial license renewal application disclosing that she entered into a Stipulation and
8 Order with the Idaho Board of Medicine ("Idaho Board").

9 4. On December 15, 2008, Respondent submitted her license renewal
10 application and answered "yes" to the question regarding whether her privileges had been
11 restricted by a licensing authority. Respondent reported that she entered into a Stipulation
12 and Order with the Idaho Board, which alleged that Respondent performed and billed for
13 unnecessary lab work and other procedures, practiced beyond the scope of her training,
14 prescribed excessive and inappropriate amounts of hormones, and illegally prescribed
15 human growth hormones. Respondent denied the allegations. The Stipulation and Order
16 required Respondent to comply with recommendations that include restricting her from
17 hiring or utilizing physician assistants, prohibiting the prescribing any controlled
18 substances to herself or family members and prohibiting Respondent from ordering or
19 keeping controlled substance samples. The Stipulation and Order also required
20 Respondent to comply with State and Federal requirements for prescribing human growth
21 hormones and to allow staff to conduct random chart reviews. The Idaho Board's
22 Stipulation and Order is incorporated by reference.

23 5. Respondent admits that the Idaho Board has restricted her privileges as
24 described above, and, thus, she has committed an act of unprofessional conduct pursuant
25 to A.R.S. §32-1401(27)(c) ("[a]ction that is taken against a doctor of medicine by another

1 licensing or regulatory jurisdiction due to that doctor's mental or physical inability to
2 engage safely in the practice of medicine, the doctor's medical incompetence or for
3 unprofessional conduct as defined by that jurisdiction and that corresponds directly or
4 indirectly to an act of unprofessional conduct prescribed by this paragraph. The action
5 taken may include refusing, denying, revoking or suspending a license by that jurisdiction
6 or a surrendering of a license to that jurisdiction, otherwise limiting, restriction or
7 monitoring a licensee by that jurisdiction or placing a licensee on probation by that
8 jurisdiction.").

9 **CONCLUSIONS OF LAW**

10 1. The Board possesses jurisdiction over the subject matter hereof and over
11 Respondent.

12 2. The Board possesses statutory authority to enter into a consent agreement
13 with a physician and accept the surrender of an active license from a physician who
14 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

15 **ORDER**

16 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
17 Number 38229, issued to Tamara M. Simon, M.D. for the practice of allopathic medicine in
18 the State of Arizona, and return her wallet card and certificate of licensure to the Board.

19 DATED and effective this 4th day of June, 2009.

20 ARIZONA MEDICAL BOARD

21 (SEAL)

22 By:

23 Lisa S. Wynn
24 Executive Director



1 ORIGINAL of the foregoing filed
2 this 17th day of June, 2009 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed
7 this 17th day of June, 2009 to:

8 Tamara M. Simon, M.D.
9 Address of Record

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11 Investigational Review
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Idaho State Bar No. 1763

Attorneys for the Board

BEFORE THE IDAHO STATE BOARD OF MEDICINE

In the Matter of:)	
)	Case No. BOM-2007-77
TAMARA SIMON, M.D.,)	
License No. M-8909,)	STIPULATION AND ORDER
)	
Respondent.)	

COME NOW the Idaho State Board of Medicine, hereinafter referred to as the Board, and Tamara Simon, M.D., hereinafter referred to as Respondent, and stipulate and agree as follows:

I

Respondent is the holder of an Idaho license to practice medicine and surgery, License No. M-8909, issued by the Idaho State Board of Medicine on October 3, 2003. Said license is subject to the provisions of Title 54, Chapter 18, Idaho Code, commonly known as the Medical Practice Act.

II

The Board alleges that Respondent has performed and billed for unnecessary lab work and other procedures and has practiced beyond the scope of her training. In addition, the Board alleges that Respondent has prescribed, and continues to prescribe, excessive and inappropriate amounts of hormones to male and female patients and has illegally prescribed human growth hormones. Respondent denies these allegations

III

The acts and practices of Respondent, as alleged in Paragraph II above, which Respondent denies, would constitute violations of the Medical Practice Act in that:

- a. Respondent may have provided health care which fails to meet the standard of health care provided by other qualified physicians in the same or similar community, in violation of Idaho Code §54-1814(7); and
- b. Respondent may have engaged in conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the physician by the patient, in violation of Idaho Code §54-1814(22) and IDAPA 22.01.01.101.04.a and IDAPA 22.01.01.101.03.f.; and

c. Respondent may have failed to maintain adequate records as required by Idaho Code §54-1814(7) and IDAPA 22.01.01.101.03.h.

IV

The Board believes it has sufficient evidence to support action based upon these allegations. Respondent believes that she has sufficient evidence to defend against the Board's allegations. However, rather than pursuing a formal hearing, and to avoid the attendant cost, expense and time of a formal hearing, the parties are voluntarily entering into this Stipulation and Order for the purpose of informally responding to the concerns of the Board and for the purpose of providing an acceptable procedure for dealing with this matter

V

Respondent knowingly and voluntarily waives any right to a formal hearing, to present evidence, to cross-examine witnesses, to reconsideration and appeal and to other rights accorded her pursuant to the Administrative Procedure Act and the Medical Practice Act which she might otherwise possess with respect to this Stipulation.

VI

In order to respond to these allegations, Respondent hereby stipulates and voluntarily agrees that, with respect to her practice of medicine in Idaho:

- (a) Within six (6) months of the date of this Stipulation and Order, Respondent shall reimburse the Board \$2,000 for its costs and attorney's fees incurred herein.
- (b) Respondent shall not hire or utilize physician's assistants
- (c) Respondent shall not treat male patients, except for laser contouring and partners of women being treated for sexually transmitted diseases.
- (d) Respondent shall not prescribe any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug to herself or to a spouse, child, stepchild or sibling. Respondent shall maintain full and complete medical records of any drugs prescribed for family members or relatives
- (e) Respondent shall not prescribe human growth hormones without full compliance with all State and Federal requirements on prescription of human growth hormones.
- (f) Respondent shall not order or keep controlled substances samples.
- (g) Respondent shall inform patients that they have the choice of using lab facilities other than Respondent's lab facilities.
- (h) Respondent shall maintain adequate medical records which are legible and include copies of all

radiological studies, lab work, surgical procedures and physical examinations and assessments.

- (i) During the term of this Stipulation, the Board shall be allowed to review medical charts on a random basis, without prior notice subject to the availability of Respondent and/or his representatives or staff members.
- (j) Within the time frame of this Stipulation and Order and within thirty (30) days after receipt of the Order signed by the Board, Respondent shall provide the Administrator and Chief of Staff at each Idaho hospital where she has privileges with a copy of this Stipulation and Order. During the term of the Stipulation and Order if Respondent changes employment or applies for or obtains privileges at any other Idaho hospital, Respondent shall provide all future employers and future partners and the Administrator and Chief of Staff at each future Idaho hospital where she applies for or obtains privileges with a copy of this Stipulation and Order at the time of the application for employment or privileges, or within fifteen (15) days of the application. Respondent shall provide the Board with written proof of compliance with this Paragraph by providing the Board with a copy of the notice or letter when it is provided to any employer or

hospital.

VII

The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Stipulation and Order shall remain in force for a minimum of five (5) years prior to any request for termination of this Stipulation and Order.

VIII

If the Board knows based upon adequate proof and cause, that Respondent has violated or breached any terms or conditions of this Stipulation and Order, the Board reserves the right to initiate formal disciplinary proceedings against Respondent for alleged violations or breaches of this Stipulation and Order and the Board shall have the right to immediately suspend Respondent's license, without a hearing, pending further proceedings for any violations or breaches of any terms or conditions of this Stipulation and Order. The right of the Board to immediately suspend Respondent's license shall not be invoked arbitrarily or capriciously and without adequate evidence and justification and timely notice to Respondent 20 days in advance of the intended suspension. By virtue of this Stipulation and Order, the Board agrees that it will not initiate any form of disciplinary action or proceedings against Respondent regarding alleged violations of the Medical Practice Act and Idaho

Administrative Code occurring before the effective date of the Stipulation and Order.

IX

Any action or suspension initiated by the Board based on alleged violations of this Stipulation and Order shall comply with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, the Medical Practice Act and the Rules of Practice and Procedure of the Board with the burden of proof and going forward with the evidence on the Board. Respondent shall not be entitled to and hereby waives any right or opportunity to appear before the Committee on Professional Discipline prior to the initiation of any enforcement proceedings.

X

Respondent agrees to execute a Release, in the form attached hereto as Exhibit A, releasing the Idaho State Board of Medicine, the Committee on Professional Discipline of the Idaho State Board of Medicine, their members, employees, agents, officers, representatives, attorneys, and consultants, jointly and severally, from any and all liability arising from their participation or involvement in the Board's investigation of Respondent and this proceeding.

XI

This Stipulation and Order shall be considered a public record and shall be reported to the National Practitioner Data

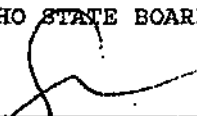
Bank. This Stipulation and Order shall become effective upon the last date of signature below.

XII

Respondent further agrees to execute a Release, in the form attached hereto as Exhibit B, authorizing any Hospital in which she performs surgery within the term of this Stipulation and Order to release such information to the Board that is relevant to Respondent's compliance with the provisions of this Stipulation and Order.

DATED This 31 day of October, 2008.

IDAHO STATE BOARD OF MEDICINE


STEPHEN MARANO, M.D.
Chairman

DATED This 17 day of October, 2008.

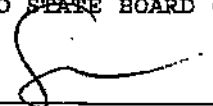

TAMARA SIMON, M.D.

ORDER

Pursuant to Idaho Code §§54-1806(A)(6)(c) and 54-1806(A)(8), the Board hereby accepts the terms and conditions of the foregoing Stipulation and it is hereby ordered that Respondent comply with said terms and conditions. Based upon the foregoing, further formal proceedings will be waived.

DATED This 31 day of October, 2008.

IDAHO STATE BOARD OF MEDICINE



STEPHEN MARANO, M.D.
Chairman